

Filed for intro on 02/06/95
Senate Bill _____
By _____

House No. HB0651
By Callicott

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, is amended by adding Sections 2 through 12 of this act as a new chapter thereto.

SECTION 2. This act shall be known and may be cited as the "Inmate Reimbursement to the County Act of 1995".

SECTION 3. For purposes of this act, "county jail" includes county workhouses.

SECTION 4.

(a) A county may seek reimbursement for any expense incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail. The county may:

(1) seek reimbursement from each person who is or was an inmate not more than (\$60.00) per day for the expense of maintaining that inmate or the actual per diem cost of maintaining that inmate, whichever is less, for the entire

period of time the person was confined in the county jail, including any period of pretrial detention;

(2) Investigate the financial status of the person; and

(3) Seek reimbursement for any other expenses incurred by the county in order to collect payments under this act.

(b) Before seeking any reimbursement under this act, the county shall develop a form to be used for determining the financial status of inmates. The form shall provide for obtaining the age and marital status of an inmate, number and ages of children of an inmate, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The county shall use the form when investigating the financial status of inmates.

SECTION 5.

(a) An inmate in a county jail shall cooperate with the county in seeking reimbursement under this act for expenses incurred by the county for such inmate.

(b) An inmate who willfully refuses to cooperate as provided in subsection (a) shall not receive a reduction in his or her term, nor shall such inmate be subject to early release.

SECTION 6. At the request of the county legislative body or of the county executive or a designee of the county executive, the sheriff of the county shall forward to the county legislative body, county executive, or designee of the county executive a list containing the name of each inmate, the term of sentence, and the date of admission, together with information regarding the financial status of each inmate, as required by the county legislative body, the county executive or designee of the county executive.

SECTION 7. The county legislative body or the county executive may investigate or cause to be investigated all reports furnished by the sheriff pursuant to Section 6 for the

purpose of securing reimbursement for the expenses incurred by the county in regard to inmate as provided under this act.

SECTION 8.

(a) Within twelve (12) months of the release of an inmate from any county jail, the county legislative body may file a civil action to seek reimbursement from such inmate for maintenance and support of that person while he or she is or was an inmate, or for any other expense for which the county may be reimbursed under this act.

(b) A civil action brought under this act shall be instituted in the name of the county in which the jail is located and shall state the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the county pursuant to Section 4.

(c) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(d) The court may enter a civil judgment against the defendant and may order that the defendant's property be attached for reimbursement for maintenance and support of the defendant as an inmate and for other expenses reimbursable under Section 4.

SECTION 9.

(a) The county may file such civil action in the circuit court. If the defendant is still an inmate in the county jail, venue is proper in the county in which the jail is located.

(b) If necessary to protect the county's right to obtain reimbursement under this act against the disposition of known property, the county may seek issuance of a temporary restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be

applied to reimbursement of the county for the maintenance and support of the defendant as an inmate. No bond shall be required of the county before a temporary restraining order is issued.

(c) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

SECTION 10. The county shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

SECTION 11. The sentencing judge and the sheriff of any county in which an inmate's property is located shall furnish to the attorney for the county all information and assistance possible to enable the attorney to secure reimbursement for the county under this act.

SECTION 12. The reimbursements secured under this act shall be credited to the general fund of the county to be available for general fund purposes. The county treasurer may determine the amount due the county under this act and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".

AN ACT to amend Tennessee Code Annotated, Title 41, to enact the "Inmate Reimbursement to County Act of 1995".